

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	Tomi HEINONEN <i>et al.</i>	Confirmation No.:	8670
Application No.:	10/825,575	Examiner:	Rajan, Kai
Filed:	April 15, 2004	Group Art Unit:	3769

For: PHYSIOLOGICAL EVENT HANDLING SYSTEM AND METHOD

Commissioner for Patents
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed February 1, 2011.

I. STATUS OF THE CLAIMS

Claims 1 through 23, 33 through 45, 47, 48, 50, and 51 are pending in this appeal. Claims 24 through 32, 46, and 49, have earlier been canceled. No claim is allowed. Claims 2, 5 through 7, 10, 13, and 15 through 17 are original claims. Claims 1, 3, 4, 8, 9, 11, 12, 14, 18 through 23, 33 through 45, 47, 48, 50, and 51 were previously presented. This appeal is therefore taken from the final rejection of claims 1 through 23, 33 through 45, 47, 48, 50, and 51 on August 25, 2010.

II. GROUNDS OF REJECTION TO BE REVIEWED

Claims 1, 3 through 12, 14 through 23, 33 through 39, 41 through 45, 47, 48, 50, and 51 were rejected for anticipation under 35 U.S.C. §102(b) based on Russek (US 5,319,355).

Claim 40 was rejected for obviousness under 35 U.S.C. §103(a) based on Russek (US 5,319,355).

Claims 2 and 13 were rejected for obviousness under 35 U.S.C. §103(a) based on Russek (US 5,319,355) in view of Haller et al. (“Haller”) (US2002/0052539).

The rejection of claim 39 under 35 U.S.C. §101 was withdrawn by the Examiner in the Answer and is no longer on appeal.

III. ARGUMENT

Appellants maintain and incorporate the positions presented in the Appeal Brief filed November 24, 2010, but present further refutation of certain assertions presented in the Examiner’s Answer.

With regard to Appellants’ argument that the applied references fail to disclose a mobile wireless event handling device, which is a handheld device, and a general emergency broadcast signal, the Examiner asserted the following:

The Examiner asserted that “handheld” is not mentioned anywhere in the claims, and therefore not pertinent. In particular, the Examiner asserted, that the claim recitation of “mobile wireless event handling device” may be interpreted by the Examiner in its broadest reasonable manner, specifically, as a “device that communicates wirelessly and is capable of being moved.” Appellants respectfully disagree, as the Examiner’s interpretation is not reasonable in light of the Appellants’ disclosure.

Persons of ordinary skill in the art would have understood that a “mobile device” refers to a handheld device, especially in the mobile communication arts, to which the claimed invention is

directed. The master alarm control unit of Russek, while capable of being moved to different locations within a hospital, is not a “mobile device” as that term is used in the claims on appeal, in the present disclosure, and as persons of ordinary skill in the mobile communications arts would have understood it. In the mobile communication art, a “mobile device” is understood to mean a handheld device. The master alarm control unit in Russek is not handheld.

The Examiner also asserted that since Russek discloses transmitting a “coded pulse signal,” from patient sensors to the master alarm control unit via RF emergency bands, and linking master control alarm units in a network, the coded pulse signal transmitted by patient alarm generators is receivable by multiple receivers (multiple master alarm control units), and therefore, the signal is a “general” signal, rather than being directed to one, specific recipient. It is directed to a recipient located in the area of alarm transmission. Appellants respectfully disagree.

The signal sent by a patient’s monitoring device in Russek is specifically targeted to an assigned master alarm control unit so that medical personnel can monitor a specific patient connected with the signal. The signal is not sent, generally, to all master alarm control units. Therefore, the signal in Russek, rather than being a “general broadcast emergency signal,” as claimed, is a very specific, and targeted, emergency signal. While a master control alarm unit may be assigned to monitor all signals for a particular type of equipment, as disclosed at col. 10, lines 3-11 of Russek, the signal from the equipment monitoring one patient is still a signal that is specific to that patient and to the master alarm control unit assigned to monitor the particular equipment. Therefore, the signal generated from the particular patient’s equipment is still not a “general broadcast emergency signal” but rather a very targeted emergency signal.

To whatever extent information about a patient may be shared among master alarm control units as when a patient is moved from one location to another location, e.g., at col. 10, lines 55-68, shared information between master alarm control units does not constitute a “general broadcast emergency signal.” The signal originally transmitted to a particular master alarm control unit is still a targeted signal, and not a general broadcast signal. If the information stored in one master alarm control unit is later shared with another master alarm control unit because of movement of a patient from a location assigned to one master alarm control unit to a location assigned to another master alarm control unit, this is not a “broadcast” signal and certainly not a “general broadcast emergency signal,” as claimed.

In response to Appellants’ argument that a “general broadcast emergency signal” means that the signal is sent to unspecified recipients and by any mobile devices in the area, the Examiner asserted that this argument is “contrary to the disclosure of the specification” (Answer-page 12). The Examiner specifically cited paragraphs [0021] and [0022], related to broadcasting a “general emergency signal, and asserted that because this section of the specification states that the broadcast signal is detected and processed by “all mobile devices equipped with minimal event handling capabilities,” it is “clear that the signal is not receivable by ‘any mobile device,’ but rather by devices preprogrammed to detect and act upon the signal” (Answer-page 12). Appellants respectfully disagree.

When Appellants contend that a “general broadcast emergency signal” means that the signal is sent to unspecified recipients and by **any mobile devices** in the area, it means that the signal can be received any mobile devices **that are capable of receiving the signal**, of course. For example, when a TV station transmits a general TV signal, broadcasting a particular TV show that can be received by **any** TV viewers, this, of course, presumes that the TV viewers are in

possession of a TV set capable of receiving the generally broadcast signal. Therefore, it is unreasonable for the Examiner to contend that because the mobile devices of the claimed invention must be equipped with the means to receive the broadcast signal, it is contrary to the argument that “any” mobile device can receive the broadcast signal. Of course, “any” device presumes that the device is capable of so receiving the signal. Therefore, there is no inconsistency between Appellants’ arguments and paragraphs [0021] and [0022] of the written description of the present disclosure.

Appellants also respectfully disagree with the Examiner’s characterization, at page 12 of the Answer, of Russek as providing a coded pulse signal transmitted “to whichever master alarm control unit is within the alarm generator’s transmitting proximity, rather than transmission to just one specific master alarm control unit.” Contrary to the Examiner’s assertion, each patient is associated with a single master alarm control unit, or each signal generated from a particular monitoring device of a patient is associated with a specific master alarm control unit. A signal related to one patient is not broadcast to multiple master alarm control units.

To the extent the Examiner is relying on the disclosure from col. 10, line 55 –col. 11, line 11, of Russek, this disclosure relates to moving a patient from one location to another location, so that the master alarm control unit may change, but at any one time, the signals related to one patient are transmitted to a single master alarm control unit. With regard to more than one master alarm control unit sharing information about a patient, information that a first master alarm control unit may obtain from a targeted transmission of a signal to the first master alarm control unit, and then shares with a second master alarm control unit, is not a “general broadcast emergency signal.” The second master alarm control unit in this case did not receive the information via a “general broadcast emergency signal” but, rather, from a direct transfer from

the first master alarm control unit, which received the information via a targeted transmission from a device monitoring a patient.

IV. CONCLUSION AND PRAYER FOR RELIEF

The claims require at least “a general broadcast emergency signal” but Russek fails to disclose any such “general broadcast emergency signal.” Appellants, therefore, request the Honorable Board to reverse each of the Examiner’s rejections.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

March 29, 2011

Date

/Phouphanomketh Ditthavong/

Phouphanomketh Ditthavong

Attorney for Applicant(s)

Reg. No. 44658

Errol A. Krass

Attorney for Applicant(s)

Reg. No. 60090

918 Prince Street
Alexandria, VA 22314
Tel. (703) 519-9952
Fax (703) 519-9958